



UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA

NOTICE

Change to Federal Bankruptcy Rules and Forms Effective December 1, 2010

Bankruptcy Rule 1007. Shortens time for debtor to file a list of creditors after the entry of an order for relief in an involuntary case. The rule also extends time for individual chapter 7 debtors to file statement of completion of course in personal financial management.

Bankruptcy Rule 1014. Includes chapter 15 cases in the rule that authorizes the court to determine where cases should go forward when multiple petitions involving the same debtor are pending.

Bankruptcy Rule 1015. Includes chapter 15 cases in the rule that authorizes the court to order consolidation or joint administration of cases.

Bankruptcy Rule 1018. Reflects enactment of chapter 15 in 2005.

Bankruptcy Rule 1019. With some exceptions, a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13.

Bankruptcy Rule 4001. Technical and conforming amendment on the computation of time.

Bankruptcy Rule 4004. Is amended to: (a) include a new deadline for filing of motions (rather than complaints) under Rule 7001(b) objecting to a debtor's discharge; (b) direct the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor; and (c) direct the court in chapter 11 and 13 cases to withhold the entry of the discharge if the debtor has not filed with the court a statement of completion of a course concerning personal financial management.

Bankruptcy Rule 5009. Amended to add new subdivisions (b) and © to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and 13 cases that their cases may be closed if they fail to file a statement of completion of financial management course.

Bankruptcy Rule 7001. Objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) are to be commenced by motion rather than by complaint, corresponding to the proposed amendment to Rule 4004.

Official Forms 22A, 22B, and 22C - Statement of Current Monthly Income. Forms 22A and 22C are amended to instruct the filer to list all names used by the debtor in the last eight, rather than six, years, and to redact not only the debtor's social security number, but also the debtor's individual taxpayer identification number. Forms 22A and 22C are amended in several places to delete references to "household" and "household size" and to replace them with "number of persons" or "family size." (Form 22A at lines 19A, 19B, 20A, and 20B; Form 22C at lines 24A, 24B, 25A, and 25B). Form 22A is also amended to add an instruction to line 8 to clarify that only one joint filer should report regular payments by another person for household expenses. Forms 22B and 22C are similarly amended on line 7 of each form. The introductory instruction to Part I of Form 22A is amended to give debtors in joint case the choice of filing separate forms if they believe they are required to do so by § 707(b)(2) of the Bankruptcy Code.

Official Form 23 - Debtor's Certification of Completion of Instructional Course Concerning Financial Management. The "deadlines" section at the bottom of the form is amended to conform to amended Rule 1007(c). This amendment was approved by the Judicial Conference in September, 2009. These are the major changes affecting bankruptcy practice and is not an exhaustive list of the changes to be implemented.

For more information or a complete listing of the changes effective December 1, 2010, please see the U.S. Court's Federal Rulemaking website located at the following address.
<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules.aspx>